

PLANNING COMMISSION MINUTES

Gardner, Kansas
Monday, February 26, 2007

The Planning Commission met in regular session on the above date at the Gardner City Hall, 120 E. Main Street, Gardner, Kansas.

I. Call to Order

Chairman Stephen Koranda called the meeting to order at 7:07 p.m. Commissioners present: Paul Kilgore, Greg Godwin, Eileen Mertz, Eric Schultz, Jason Burnett, and Dan Popp. Commissioners absent: none. Also present: Community Development Director Fred Sherman; Planner Erik Pollom; Assistant City Administrator Melissa Mundt; City Engineer Jim Hayhow; Public Safety Captain Moore; Public Safety Captain Kirk; applicant Joe Campbell of Timber Creek Land Company; engineer for an applicant Victor Burks of Allenbrand-Drews & Associates, Inc.; engineer Joel Riggs of Peridian Group, Inc.; applicant consultant Andy Schlagel for Timber Creek Land Company; applicant Ken Rogler of Waverly 175, L.L.C.; applicant architect Pete Oppermann; Southwest Johnson County Economic Development Corporation President Tom Reiderer; and twelve interested citizens.

II. Approval of Minutes

The minutes of the February 12, 2007, meeting, were approved by unanimous consent.

Chairman Koranda introduced the new president of the Southwest Johnson County Economic Development Corporation, Tom Reiderer. Mr. Reiderer spoke briefly to the commission.

III. Consent Items

1. FP-06-26

Consider a Final Plat for Prairiebrooke Village, a 24.45 acre planned multi-family residential development located west of Kill Creek Road, north of 175th Street. The application is filed by Prairiebrooke Village, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.

1. **APPLICANT:** The applicant is Prairiebrooke Village, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests final plat approval for a tract of land containing approximately 24.45 acres for a planned multi-family residential development.
3. **LOCATION:** The property is located west of Kill Creek Road, north of 175th Street.
4. **EXISTING ZONING:** The property is zoned RP-3, Planned Garden Apartment District (Z-04-04, PDP-06-04).
5. **ANALYSIS:** The applicant requests approval of a final plat for Prairiebrooke Village, a multi-family development. This plat encompasses the area proposed for development by FDP-06-06, the final development plan for Prairiebrooke Village, before the Planning Commission at the February 26, 2007, meeting. It also plats the remaining right-of-way that will allow Kill Creek Drive to be completed between 175th Street and the St. Johns Highlands subdivision.
6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the Final Plat for Prairiebrooke Village (FP-06-26), and forward the item to the City Council with a recommendation to accept the easements and rights-of-way, subject to the following condition:
 - a. Prior to recording of the final plat, the required excise tax will be paid.

2. FDP-06-06

Consider a Final Development Plan for Prairiebrooke Village, a 24.45 acre planned multi-family residential development located west of Kill Creek Road, north of 175th Street. The application is filed by Prairiebrooke Village, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.

Gardner Planning Commission Minutes of February 26, 2007

1. **APPLICANT:** The applicant is Prairiebrooke Village, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests approval of a final development plan for a multi-family residential development.
3. **LOCATION:** The property is located west of Kill Creek Drive, north of 175th Street.
4. **EXISTING ZONING:** This property is currently zoned RP-3, Planned Garden Apartment District (Z-04-04, PDP-06-04).
5. **ANALYSIS:** The applicant requests approval of a final development plan for the first phase of Prairiebrooke Village. The plan includes 21 duplexes and 10 triplexes for a total of 72 multi-family units.
Preliminary Development Plan
The submitted final development plan is a slight departure from the approved preliminary development plan (PDP-06-04). The preliminary development plan included a fully looped private drive on the west side of the property. Due to complications with site drainage and floodplain issues, it was determined that constructing the looped drive was not desirable. The submitted final development plan instead features a cul-de-sac and modified internal layout to reflect the general traffic flow as shown on the approved preliminary development plan, but to be sensitive to drainage and flood plain concerns. The total number of residential units proposed for this area has not changed, nor have the submitted elevations.
Duplex/Triplex Design
The elevations proposed with this final development plan include ranch-style duplexes and triplexes with composition shingle roofs, and a combination of masonry materials and lap siding. During consideration of the approved preliminary development plan for this property, there was a great deal of discussion by the Planning Commission regarding the elevations of the proposed duplexes and triplexes. The results of that discussion, as approved with the preliminary development plan, are reflected in this final development plan and the submitted elevations. They include variations in garage door styles, placement of masonry materials, rooflines, and driveway configurations.
Community Building
The community building is shown at the southeast corner of this first phase of development. Staff has not yet received a full set of architectural elevations for this building. Prior to approval of construction plans for the community building, the applicant will be required to submit a separate development plan for this building. Approval of this final development plan shall only serve to approve the general location of the proposed community building.
6. **STAFF RECOMMENDATION:** Staff recommends approval of the final development plan for Prairiebrooke Village (FDP-06-06), subject to the following conditions:
 - a. The development shall be in accordance with Exhibit "A" (Final Development Plan), Exhibit "B" (Building Elevations), and Exhibit "C" (Landscape Plan) which are filed in the office of the Planning Commission Secretary and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
 - b. The applicant shall submit a separate development plan for the community building to be reviewed by staff and approved by the Planning Commission. Approval of this final development plan only serves as approval of the general placement of the community building.
 - c. With this first phase of development for Prairiebrooke Village, Kill Creek Road shall be constructed to complete the connection between 175th Street and St. Johns Highlands.
 - d. All proposed grading within the development and floodplain is subject to review and approval by Public Works at submittal of construction plans.
 - e. The Storm water Drainage Study requires revisions prior to or at submittal of construction plans. The study should be revised to address the following: calculations supporting the 15 minute time of concentration needs to be provided for the north tributary; the north and south tributary are hydraulically connected west of proposed Kill Creek Road, therefore the confluence should be modeled west of this road resulting in a larger structure than the quadruple 9'X6' RCB proposed under Kill Creek Road; and the model should be revised to reflect the proposed grading instead of placing obstructions where fill is needed.
 - f. Due to the proximity of the proposed buildings to the double 10'X5' RCB and floodplain, alignment of the existing creek and RCB away from building 52 is required. Details should be provided at submittal of construction plans.
 - g. On-site storm water should be routed to the street inlets and pipes instead of ditches. Please provide more details at submittal of construction plans.
 - h. Due to the proximity of the existing channel on proposed lots on the north portion of the development, bank stabilization and possible channel relocation will be required since it appears that the existing channel is located on proposed lots.
 - i. Appropriate federal and state permits for installation of the culverts and fill will be necessary prior to approval of construction plans.
 - j. Utility layouts and easements are subject to review and approval of the engineering department at submittal of construction plans.
 - k. Due to proximity of buildings, staff will be particularly concerned with adequate drainage between buildings and will review in more detail at submittal of construction plans.
 - l. Per the Codes Administrator, a second access (e.g., extension of private drives B or C) will be required for public safety on or before construction of 75% of the units.

Motion Godwin, second Schultz, to forward the Final Plat for Prairiebrooke Village (FP-06-26) to the City Council with a recommendation for approval, subject to staff recommendations; and to approve the Final Development Plan for Prairiebrooke Village (FDP-06-06), subject to staff recommendations.

Motion to Forward Carried: 7 to 0 Aye

Motion to Approve Carried: 7 to 0 Aye

IV. Agenda Items

Chairman Koranda opened the public hearing at 7:10 p.m.

Planner Pollom presented the staff reports for Item No. 1, PDP-07-01; Item No. 2, FP-07-02; and Item No. 3, FDP-07-02, concurrently.

1. PDP-07-01

Conduct a public hearing and consider a revised preliminary development plan, associated with rezoning request Z-05-09, for a .77 acre property located on the southeast corner of the Center Street and Kane Street intersection. The application is filed by Cimarron Homes, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.

1. **APPLICANT:** The applicant is Cimarron Homes, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests approval of a preliminary development plan for a multi-family residential development.
3. **LOCATION:** The property is located on the southeast corner of the Center Street and Kane Street intersection.
4. **EXISTING ZONING:** This property is currently zoned RP-3, Planned Garden Apartment District (Z-05-09).
5. **ANALYSIS:** The applicant requests approval of a preliminary development plan for Kane Street Village. The plan includes a duplex and a triplex for a total of five multi-family units.

Site Design

The original plan for a two-story 8-plex apartment building featured a single building that faced Center Street. Parking was provided behind the building to the east. The building effectively screened most of the parking area and faced its most interesting elevation toward Center Street.

The subject plan revision replaces the single apartment building with a duplex and a triplex, which are oriented at angles toward a parking area that takes its access from Kane Street to the north. This layout is somewhat more disorganized in appearance than the original plan, and does not show a design that acknowledges the importance of the high visibility of the site from Center Street.

The elevations submitted with the final development plan do not incorporate the use of any masonry materials, and are relatively featureless on their side and rear elevations. While building elevations are approved with the final development plan, they are important to the discussion of the site layout proposed by this preliminary development plan and should be considered.

Final Development Plan

This preliminary plan is identical to the submitted final development plan (FDP-07-02), before the Planning Commission at the February 26, 2007, meeting. The level of detail on the single document allows it to serve as both a preliminary and final development plan. Approval of the final development plan is contingent upon approval of this preliminary development plan.

6. **STAFF RECOMMENDATION:** If the Planning Commission feels that the requested changes to the proposed site layout are acceptable, then staff recommends that the Planning Commission forward the Preliminary Development Plan for Kane Street Village (FDP-07-02) to the City Council, with a recommendation for approval, subject to the following conditions:
 - a. The development shall be in accordance with Exhibit "A" (Preliminary Development Plan) which is filed in the office of the Planning Commission Secretary and which is incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
 - b. Prior to submittal of construction plans, a final development plan shall be approved for this property.

2. FP-07-02

Consider a Final Plat for Kane Street Village, a .77 acre planned multi-family residential development located on the southeast corner of the Center Street and Kane Street intersection. The application is filed by Cimarron Homes, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.

1. **APPLICANT:** The applicant is Cimarron Homes, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests final plat approval for a tract of land containing approximately .77 acres for a planned multi-family residential development.
3. **LOCATION:** The property is located on the southeast corner of the Center Street and Kane Street intersection.
4. **EXISTING ZONING:** The property is zoned RP-3, Planned Garden Apartment District (Z-03-01).
5. **ANALYSIS:** The applicant requests approval of a final plat for Kane Street Village. Approval for this replat is requested to consolidate one existing lot – Lot 2 of Bigelow's Subdivision, and part of a second lot – platted as part of Lot 13 of Bigelow Place, into a single lot for a multi-family residential development.
6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the Final Plat for Kane Street Village (FP-07-02), and forward the item to the City Council with a recommendation to accept the easements and rights-of-way, with no stipulations.

3. FDP-07-02

Consider a Final Development Plan for Kane Street Village, a .77 acre planned multi-family residential development located on the southeast corner of the Center Street and Kane Street intersection. The application is filed by Cimarron Homes, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.

1. **APPLICANT:** The applicant is Cimarron Homes, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests approval of a final development plan for a multi-family residential development.
3. **LOCATION:** The property is located on the southeast corner of the Center Street and Kane Street intersection.
4. **EXISTING ZONING:** This property is currently zoned RP-3, Planned Garden Apartment District (Z-05-09).
5. **ANALYSIS:** The applicant requests approval of a final development plan for Kane Street Village. The plan includes seven a duplex and a triplex for a total of 5 new multi-family units.

Preliminary Development Plan

This final development plan is identical to the submitted preliminary development plan (PDP-07-01), before the Planning Commission at the February 26, 2007, meeting. Given the requirement to submit a revised preliminary plan for this property in addition to this final development plan, the applicant has submitted plans with enough detail to serve as both a preliminary and final development plan. Approval of this final development plan is contingent upon approval of the associated preliminary development plan.

Building Design

The approved preliminary development plan for this property included a single two-story 8-plex apartment building. The apartments took their access from an internal breezeway. Preliminary architectural elevations showed an asymmetrical front elevation with a well-varied roofline, pilasters of stone, round columns on either side of the second level breezeway, and hardboard siding for those areas that did not feature stone. Each apartment had a covered outdoor porch. The orientation of the building was parallel to Center Street.

The submitted final development plan changes the single 8-plex apartment building into two separate buildings, a duplex and a triplex. Both buildings are two-story and are oriented at different angles toward parking areas that take their access from Kane Street to the north. Both buildings are similar in architectural style with sheltered front porches. They are covered on all four sides by hardboard lap siding, and feature second floor window shutters and pitched composition shingle roofs. The duplex includes garages that extend approximately 12 feet from the front façade of the building, while the triplex utilizes a small parking lot that contains eight stalls, four of which are covered by a carport. The duplex units are mirrored-images of one another. This is less so for the triplex, which is not a true example of a mirrored elevation, but shows very similar right and left halves. No details regarding the color of materials has been submitted to staff.

Parking Areas

The parking area proposed with this development plan shows the duplex driveway connecting directly to the parking lot for the triplex. A curb is shown only on the northeast border of the parking lot and on either side of the entrance from Kane Street, and an integral curb and sidewalk along the front of the parking stalls for the triplex. Justification for the omission of a curb along the western portion of the property is to allow sheet drainage of storm water from east to west. Engineering staff has stipulated that the entirety of the parking area should be constructed with curb and gutter. Details of how this will be accomplished are to be submitted to Engineering staff prior to approval of construction plans.

Landscaping

This property features a fairly substantial stand of trees along Kane Street. The applicant has stated the intention to keep as many of these existing trees as possible while accommodating the construction of the drive access to Kane Street. There are a few large trees within the lot that are slated for removal, and the plan shows new plantings along the east and south sides of the lot. The landscape plan meets City standards for an RP-3 development.

6. **STAFF RECOMMENDATION:** If the Planning Commission feels that the requested changes to the proposed site layout and architecture are acceptable, then staff recommends approval of the final development plan for Kane Street Village (FDP-07-02), subject to the following conditions:

- a. The development shall be in accordance with Exhibit "A" (Final Development Plan), Exhibit "B" (Building Elevations), and Exhibit "C" (Landscape Plan) which are filed in the office of the Planning Commission Secretary and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
- b. The associated revised preliminary development plan (PDP-07-01) shall be approved by the Planning Commission and City Council.
- c. Prior to approval of construction plans, the applicant shall incorporate curb and gutter around all parking areas and drive lanes.

Chairman Koranda invited questions from the commissioners.

Chairman Koranda asked for clarification of the revised layout of the development. Planner Pollom explained the proposed changes in the development plan, particularly the orientations and elevations of the proposed buildings.

Chairman Koranda invited comments from the applicant. Engineer for the applicant Vic Burks of Allenbrand-Drews, Inc., stated that he would be happy to answer any questions regarding the application.

Chairman Koranda invited comments from the public. There were no public comments.

Motion Kilgore, second Mertz, to close the public hearing at 7:20 p.m.

Motion Carried: 7 to 0 Aye

Chairman Koranda invited comments from the commissioners.

Commissioner Popp stated his preference for the current approved preliminary development plan's layout, parking area, and architectural features. He added his approval of the proposed reduced density.

Chairman Koranda asked why the applicant wanted to change the development plan. Mr. Burks stated that the applicant decided against the apartment building project and wanted something less intensive.

Commissioner Schultz asked if the existing Center Street viaduct over the railroad tracks would be enlarged in the near future, and if so, would it impact the subject property. Director Sherman stated that the viaduct would most probably be lengthened, but it was not yet known how the engineering for such a project would impact the surrounding properties.

Director Sherman discussed the current and possible future land uses of the subject area and surrounding properties.

Commissioner Mertz agreed with Commissioner Popp in her preference for the current approved preliminary development plan's layout, parking area, and architectural features.

Chairman Koranda stated his concerns regarding the need for additional architectural features on the proposed buildings, the preferred location of the driveway further east on the property, and the dissatisfactory orientations of the buildings and the parking areas.

Commissioner Schultz stated that the orientation of the proposed duplex building created a particular need for additional architectural features on the rear elevation.

Commissioner Burnett agreed with Commissioners Popp and Mertz in their preferences for the current approved preliminary development plan.

Commissioner Godwin stated his preference for the current approved preliminary development plan, but agreed with the applicant that the proposed smaller buildings would fit the current character of the neighborhood better than the approved apartment building. He suggested that revising the orientations of the buildings and parking areas would make the proposed development plan more suitable.

Mr. Burks stated that the applicant was strongly opposed to his original plan for the apartment building and would prefer to change the building orientations and add architectural features to the elevations to meet the suggestions of the commissioners.

Commissioner Popp stated this preference for the proposed reduced density, and encouraged the reorientation of the proposed buildings. Chairman Koranda agreed with Commissioner Popp.

Mr. Burks and Commissioners Godwin and Mertz discussed potential reorientations of the buildings and parking areas.

Motion Popp, second Burnett, to table the Preliminary Development Plan (PDP-07-01), the Final Plat (FP-07-02), and the Final Development Plan (FDP-07-02) for Kane Street Village, located on the southeast corner of the Center Street and Kane Street intersection, to the March 26, 2007, Planning Commission meeting.

Motion to Table Carried: 7 to 0 Aye

4. CUP-07-01

Conduct a public hearing and consider a conditional use permit to allow the construction and operation of a public safety facility in a residential zoning district, located at 29000 W. 183rd Street, and operation of a water tower in an agricultural zoning district, located at 29050 W. 183rd Street. The application is filed by the City of Gardner; with engineering services provided by Olsson Associates.

Chairman Koranda opened the public hearing at 7:45 p.m.

Director Sherman presented the staff report.

1. **APPLICANT:** The applicant is the City of Gardner; with engineering services by Olsson Associates, architectural services by Hoefer Wysocki Architects, and Construction Manager Services by McCowngordon Construction, L.L.C.
2. **REQUESTED ACTION:** The applicant requests approval of a Conditional Use Permit to operate a public safety facility in a residential zoning district and a water tower in an agricultural district.
3. **LOCATION:** The property is located on the north side of W. 183rd Street, about ¼ mile east of Center Street and ¾ mile west of Moonlight Road, and is addressed as 29000 W. 183rd Street and 29050 W. 183rd Street.
4. **EXISTING ZONING:** The eastern portion of the property is zoned R-1, Single-Family Residential District (Z-96-10; Ord 1850), and the western portion of the property was zoned A (Agricultural District) upon annexation (Ord 1790).
5. **EXISTING CONDITIONS:** The property is final platted as Lot 1, Plum Creek Public Safety Center. The site is bordered on the north, east, and west by developing single family subdivisions, Plum Creek and Plum Creek Manor. To the immediate south are an existing single family residence and several agricultural out-buildings from a former egg farm that is located on ten acres of land. Further to the south is a developing single family subdivision, Aspen Creek.

6. **CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Community Development Plan - 2003 designates this area for low-density residential uses. The proposed use, as part of the City's infrastructure improvements, is in conformance with the Community Development Plan, with the approval of a Conditional Use Permit.
7. **ANALYSIS OF CUP APPLICATION:** The City requests approval of a conditional use permit for an existing water storage tower facility and a new public safety facility. Since a conditional use permit was not acted upon for the water tower prior to its construction, approval of this conditional use permit is sought for both components of the site.

Existing Water Tower

The existing water tower was constructed on the western portion of the property prior to 1996. It stands 133 feet tall with a storage tank capacity of about 500,000 gallons. The base of the water tower is secured with a chain link fence topped with three-strand barbed wire. Within the fencing compound is an approximately 20' x 12' utility building that provides services to a set of cellular antennas mounted on the top of the water tower.

Public Safety Facility #2

On the eastern half of the property, an approximately 7,000 square foot new public safety station is proposed to be constructed. The building is designed to house a full-sized ladder fire truck in its apparatus bay. It will contain kitchen/dining facilities, a 450 square foot training room, a 600+ square foot area for bunk rooms, bathroom/shower spaces, and office space.

The exterior of the building is proposed to be constructed using mostly a metal panel system with masonry brick accents on portions of the north, east, and west sides of the building, and extensive use of masonry bricks on the south side (front) of the building. A standing seam metal roof system is proposed on the multi-roof pitched building.

The submitted site plan denotes that two new drive entrances will be created accessing 183rd Street to allow the drive-through movement of the fire trucks in and out of the apparatus bay. By City policy, a low traffic volume land use such as this public safety facility would not warrant two driveways onto a designated arterial street like 183rd Street.

8. **STAFF RECOMMENDATION:** Staff recommends approval of a Conditional Use Permit for the City of Gardner for Public Safety Facility No. 2 and a water tower (CUP-07-01) for an indefinite period of time; subject to the following stipulations:
 - a. The development shall be in accordance with Exhibit "A" (Site Plan) which is filed in the office of the Planning Commission Secretary and which is incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.

Chairman Koranda invited questions from the commissioners. There were no questions from the commissioners.

Chairman Koranda invited comments from the applicant. Assistant City Administrator Melissa Mundt gave a brief presentation.

Chairman Koranda invited comments from the public.

John and Jan Loser, 846 S. Mulberry Street, expressed their concerns regarding:

- o the proximity of the proposed building to their residence,
- o the appearance of the rear of the proposed building from their property and the need for sufficient screening and landscaping,
- o if or when 183rd Street would be upgraded, and
- o potential noise from the facility.

Director Sherman stated that though 183rd Street would eventually be upgraded, it was not currently scheduled on the City's five year Capital Improvement Program.

Planner Pollom and City Engineer Jim Hayhow explained that the proposed building would be approximately seventy feet from the rear lot line of the subject property, with an additional minimum twenty-five feet to the Loser residence. Planner Pollom displayed and explained the proposed landscaping plan, and added that there were no plans for screen fencing of the property.

Chairman Koranda asked why the building was not located further west on the subject property. Engineer Hayhow, Director Sherman, and Assistant City Administrator Mundt

discussed several factors that determined the location of the building, including the necessary fall zone for the water tower and cellular phone antenna, existing utility easements, possible future right-of-way locations, and the necessary turning radius for the future fire truck.

Commissioner Mertz asked if the proposed building might be expanded toward the north at some point in the future. Assistant City Administrator Mundt stated that there were no plans for expansion. She added that any future addition would be on the south side of the building, toward the front of the lot.

Director Sherman and Pete Oppermann, a landscape architect in the audience, discussed the proposed landscape trees. Mr. Oppermann stated that the indicated trees could eventually grow to forty feet.

Public Safety Captain Moore explained that, other than for emergency calls, the fire trucks would not be creating unusual noise. He added that periodic monthly training exercises would utilize the emergency equipment, but there would not be excessive neighborhood disturbances caused by the facility.

Monica Brungardt, 18314 Highview Drive, expressed her concerns regarding:

- the need for 183rd Street to be upgraded,
- line of sight problems at the intersection of High View Drive and 183rd Street caused by the hill west of the intersection, and
- whether High View Drive would be serviced by the City public safety facility since it was not within the City limits.

Captain Moore briefly discussed emergency call procedures. He added that the fire trucks were large vehicles and the drivers could see far enough to exercise caution when traveling on 183rd Street. He explained that Johnson County and the City of Gardner had a mutual response agreement, and serious emergency calls were responded to by the nearest facility's services.

Motion Schultz, second Mertz, to close the public hearing at 8:16 p.m.

Motion Carried: 7 to 0 Aye

Chairman Koranda invited comments from the commissioners.

Commissioner Godwin stated his approval of the architectural design.

Commissioner Popp and Captain Moore briefly discussed the building design and provisions to allow as much natural light into the building as possible.

Chairman Koranda stated that the City Council needed to keep the architectural and design standards that were required of all new commercial developments in mind when designing and budgeting for new City facilities, so that new City buildings met the same standards of quality as new commercial buildings.

The commissioners discussed the need for additional landscape screening along the rear elevation of the proposed building.

Motion Godwin, second Popp, to forward the request for a Conditional Use Permit to allow the construction and operation of a public safety facility in a residential district and operation of a water tower in an agricultural district (CUP-07-01) to the City Council with a recommendation for approval, subject to staff recommendations.

Motion to Forward Carried: 7 to 0 Aye

Planner Pollom presented the staff reports for Item No. 5, Z-07-01; PDP-07-02, and Item No. 6, PP-07-01, concurrently.

Chairman Koranda opened the public hearing at 8:29 p.m.

5. Z-07-01; PDP-07-02

Conduct a public hearing and consider rezoning property from R-1 (Single Family Residential District), RP-3 (Planned Garden Apartment District), and CP-2 (Planned General Business District), to R-1 (Single Family Residential District), RP-3 (Planned Garden Apartment District), and CP-2 (Planned General Business District), for a 79.93 acre property located on the northeast corner of the Waverly Road and 175th Street intersection. The application is filed by Waverly 175, L.L.C.; with engineering services provided by Phelps Engineering, Inc.

1. **APPLICANT:** Waverly 175, L.L.C., is the applicant; with engineering services provided by Phelps Engineering, Inc.
2. **REQUESTED ACTION:** The applicant requests rezoning from R-1, Single Family Residential District; RP-3, Planned Garden Apartment District; and CP-2, Planned General Business District; to R-1, Single Family Residential District; RP-3, Planned Garden Apartment District; and CP-2, Planned General Business District.
3. **LOCATION:** The 79.93 acre property is located on the northeast corner of the 175th Street and Waverly Road intersection.
4. **EXISTING ZONING:** The property is currently zoned R-1, Single Family Residential District; RP-3, Planned Garden Apartment District; and CP-2, Planned General Business District.
5. **CHARACTER OF THE NEIGHBORHOOD:** The land immediately surrounding the subject property is characterized by Gardner Edgerton High School to the north; single family residential to the west, east (proposed by Z-05-02), and south; vacant commercial property to the southwest; and commercial property to the southeast.
6. **LAND USE AND ZONING PATTERNS:** The zonings of the surrounding properties are R-1, Single Family Residential District, to the north, south and west; C-2, General Business District, to the southwest; C-2, General Business District, and C-1, Central Business District, to the southeast; and R-2, Two Family Residential District, to the east (developed with single family homes).
7. **CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 shows the desired land uses for this location as medium and low density residential. The portion of the property proposed for RP-3, Planned Garden Apartment District, conforms to the intent of the Community Development Plan. While that RP-3 area is not identical to the medium density area shown on the Development Plan Map, the amount of requested multi-family development is similar to that shown on the Development Plan Map, though its placement is shifted slightly to allow for the proposed commercial element in the southwest corner.

Commercial Conformance

Given the fact that the Development Plan Map indicates residential uses for the subject property, the portion of this rezoning proposed for CP-2, Planned General Business District, does not strictly conform to the Community Development Plan. However, through the approval process of the existing preliminary development plan for Waverly Pointe, the Planning Commission and City Council have both found commercial uses to be acceptable in this general location.

8. **STAFF ANALYSIS OF THE APPLICATION:** The applicant requests approval of a revised preliminary development plan for Waverly Pointe, formerly approved at the April 25, 2005, Planning Commission meeting with 222 total residential units - 84 units of four-plex "pinwheels" and 138 townhouse residential units; 104,000 sq. ft. of retail commercial uses on 10.93 acres; and office uses on .82 acres. The revised preliminary development plan removes the four-plex development and expands the single family, townhouse, and commercial elements. The office portion of the plan has not changed.

Changes from the Approved Plan

The current revision to the preliminary development plan for Waverly Pointe is requested to address some unforeseen effects of the approved plan.

The first goal is to create additional single family lots along the north property line near the high school. The developer has had more interest than expected in the lots adjoining the school property and would like to revise the plan to meet that market demand.

The second goal is to increase the size of the commercial area in the southwest corner to accommodate some specific development prospects that have been identified since the original plan approval. This expansion extends the commercial area to the east, displacing some of the townhomes shown on the original plan. These townhomes,

being preferred by the applicant to the planned four-plexes north of the commercial area, have been relocated to the property formerly occupied by the four-plex "pinwheel" units.

The result of all these changes is an increase in the number of single family lots from 109 to 132, a decrease in the number of multi-family units from 222 to 154 (84 fewer four-plex units and 16 additional townhome units), and an increase in commercial square footage from 104,000 square feet to 128,500 square feet.

In addition to the above changes, these shifts have resulted in the following notable changes:

1. The roundabout at the northeast corner of the commercial area has been removed and replaced with off-set three-way intersections.
2. The townhomes east of the commercial area are now accessed directly off the north-south roads, instead of being served by internal parking courts. This was requested to provide additional green space for the interior of this portion of the development. The remaining townhomes take their access off cul-de-sac streets.
3. The new layout places some of the townhomes in a back-to-back relationship with single family homes, while others are oriented front-to-front. The approved plan maintained a front-to-front relationship, but did not feature driveways or garage doors on the townhomes' front elevations.
4. The expanded commercial area has moved the first public street off 175th Street further east from Waverly Road. It now includes right-in-right-out accesses to the commercial area at midpoints between the intersection and the public streets providing internal access to the rest of the development.
5. The removal of the four-plexes also removes the private parking courts that served them. The more typical streets that are now proposed to serve the townhomes in that area are also expected to be private streets.

Townhome Design

The applicant has submitted preliminary elevations for the townhomes. They feature a mixture of one and two-story units in a style meant to allow various building sizes with even numbered unit counts. The front elevations include a mixture of stucco and stone, with composition shingle roofs. Front doors are recessed slightly from the garage doors, providing covered entrances. Original side and rear elevations submitted to staff were covered entirely with hardboard siding.

The new layout for townhomes results in a greatly increased number of buildings with their side and rear elevations oriented toward streets. At staff's request, the applicant has modified the elevations to include stone elements on the side and rear elevations of those buildings that are adjacent to streets, as well as those that border the large storm water detention basin because they will be highly visible from Waverly Road.

Architectural elevations are not required with the preliminary development plan. Action on this preliminary plan does not approve or deny the submitted elevations. A discussion of these elevations is, however, valuable to the discussion of the orientation of buildings proposed by this plan and gives the applicant useful feedback to be used when designing the final development plans.

Commercial Changes

The proposed commercial area has increased in size from 10.93 acres to 14.9 acres. Almost all of this expansion has been toward the east, displacing ground formerly approved for multi-family development. The amount of commercial building square footage has increased from 104,000 to 128,500 square feet. The increase in commercial area is requested to accommodate more specific needs identified by the developer while marketing the spaces to various businesses.

Stipulations

Staff has included several stipulations of approval, should the Planning Commission find the proposed revisions to the preliminary development plan to be acceptable. Many of the stipulations constitute a notification to the applicant of required engineering details that must be provided prior to approval of construction plans.

9. **STAFF RECOMMENDATION:** If the Planning Commission finds the proposed changes to be acceptable, then staff recommends that the Planning Commission forward the Rezoning Request to rezone the Waverly 175, L.L.C., Property from R-1, Single Family Residential District; RP-3, Planned Garden Apartment District; and CP-2, Planned General Business District; to R-1, Single Family Residential District; RP-3, Planned Garden Apartment District; and CP-2, Planned General Business District (Z-07-01), and the associated Preliminary Development Plan for Waverly Pointe (PDP-07-02), to the City Council with a recommendation for approval, subject to the following stipulations:
 - a. The development shall be in accordance with Exhibit A (Preliminary Development Plan) which is filed in the office of the Planning Commission Secretary at City Hall and is incorporated by reference as if set out in full herein.
 - b. The CP-2 portion of the plan shall be limited to 128,500 square feet of retail buildings.
 - c. The location and geometrics of all driveways, public streets, sidewalks and parking areas are subject to review and approval by Community Development Department staff.
 - d. Any access drives off of Waverly Road between 175th Street and 174th Street will be limited to right-turn-only movements in the future when Waverly Road is widened to a standard divided thoroughfare or at such time as the City determines that restricting turning movements is needed to alleviate safety or operational problems.
 - e. Any private access drives off of 175th Street will be limited to right-turn-only movements in the future when Waverly Road is widened to a standard divided thoroughfare or at such time as the City determines that restricting turning movements is needed to alleviate safety or operational problems.
 - f. Concurrent with construction of any new commercial structure and prior to the issuance of any form of Certificate of Occupancy, the developer shall construct a northbound right turn lane and acceleration lane on Waverly Road at 174th Street and at any private access drives between 174th Street and 175th Street, if Waverly Road has not been widened to a standard divided thoroughfare.

- g. Substantial changes to the approved preliminary development plan will require the submittal of a limited traffic study with the scope-of-work to be determined by Community Development Department staff for the analysis of nearby intersections.
- h. Prior to or concurrent with the application for final development plan approval, stormwater detention plans and calculations that collect and convey storm water from south of 175th Street shall be submitted for review and approval by Public Works Department staff.
- i. Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for the planned zoning districts.

6. PP-07-01

Conduct a public hearing and consider rezoning property from R-1 (Single Family Residential District), RP-3 (Planned Garden Apartment District), and CP-2 (Planned General Business District), to R-1 (Single Family Residential District), RP-3 (Planned Garden Apartment District), and CP-2 (Planned General Business District), for a 79.93 acre property located on the northeast corner of the Waverly Road and 175th Street intersection. The application is filed by Waverly 175, L.L.C.; with engineering services provided by Phelps Engineering, Inc.

- 1. **APPLICANT:** Waverly 175, L.L.C., is the applicant; with engineering services provided by Phelps Engineering, Inc.
- 2. **REQUESTED ACTION:** The applicant requests preliminary plat approval for a mixed-use development on 79.93 acres.
- 3. **LOCATION:** The subject property is located northeast of the 175th Street and Waverly Road intersection.
- 4. **EXISTING ZONING:** The property is zoned R-1, Single Family Residential; RP-3, Planned Garden Apartment District; C-O, Commercial Office District; and CP-2, Planned General Business District by Z-05-01 and Z-05-02 (proposed for modification by Z-07-01 at the February 26, 2007, Planning Commission meeting).
- 5. **ANALYSIS OF THE APPLICATION:** The applicant requests revised preliminary plat approval for Waverly Pointe, a mixed use development including 132 single family residential lots, 154 multi-family units, and 128,500 square feet of new commercial businesses.
This preliminary plat (PP-07-01) and the revised preliminary development plan for Waverly Pointe (PDP-07-02 associated with Z-07-01) are one and the same. This single plan document fulfills the requirements of both the preliminary plat for the R-1 zoned area, and the development plan associated with the revised planned zoning districts for the Waverly Pointe development (Z-07-01).
Changes from the previously approved preliminary plat and preliminary development plan for the Waverly Pointe development include an increase of 23 single family lots and 16 units of townhomes, and the elimination of 84 four-plex (pin-wheel) units.
Approval of this preliminary plat is contingent upon approval the submitted rezoning request (Z-07-01).
- 6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the Preliminary Plat for Waverly Pointe (PP-07-01), subject to the following condition:
 - a. Approval of PP-07-01 is contingent upon approval of Z-07-01 (PDP-07-02) by the City Council.

Chairman Koranda invited questions from the commissioners. There were no questions from the commissioners.

Chairman Koranda invited comments from the applicant. Pete Oppermann, landscape architect for the applicant, gave a brief presentation on the revised layout and internal public streets.

Applicant Ken Rogler stated that he was available for any questions.

Phillip DiVilbiss of The Bristol Groupe stated his interest in the application as the potential developer of the commercial area. He discussed his preliminary plans for development of the commercial district including:

- o enlarging the commercial area in order to market to specific desired businesses;
- o adding service access drives in the rear of the large buildings;
- o orienting the businesses toward the Waverly Road and 175th Street intersection; and
- o creating right-in and right-out access points.

Chairman Koranda invited comments from the public. There were no comments from the public.

Motion Schultz, second Godwin, to close the public hearing at 8:55 p.m.

Motion Carried: 7 to 0 Aye

Director Sherman discussed the revised plan's access streets and the expected traffic patterns within the commercial area.

Commissioner Mertz expressed her disapproval of the double loaded parking along the western access point. Mr. DiVilbiss stated that those parking spaces would be designated for employees of the adjacent businesses. He explained the need to design the site for maximum parking areas to meet the potential businesses' requirements.

Commissioner Mertz, Mr. DiVilbiss, and Director Sherman discussed the designated parking areas and possible reconfigurations.

Chairman Koranda disapproved of the townhome driveways located at street intersections and at the eastern entrance to the commercial area.

Commissioner Popp and Director Sherman discussed the subject area streets and traffic flow patterns.

Chairman Koranda noted the issues yet to be resolved:

- the parking spaces along the western commercial driveway, and
- the townhome driveways accessing at intersections and the eastern commercial area entrance.

Mr. DiVilbiss, Mr. Opperman, Director Sherman, and the commissioners discussed the parking space requirements and possible design revisions.

Mr. Rogler stated that he would have his engineers fix the problems regarding the townhome driveways.

Motion Mertz, second Godwin, to table the Rezoning Request and associated Preliminary Development Plan (Z-07-01, PDP-07-02) for Waverly Pointe, and the Preliminary Plat (PP-07-01) for Waverly Pointe, located on the northeast corner of the 175th and Waverly Road intersection, to the March 12, 2007, Planning Commission meeting.

Motion to Table Carried: 7 to 0 Aye

Motion Mertz, second Burnett, to extend the meeting to 10:30 p.m. Motion Carried: 7 to 0 Aye

Chairman Koranda called a short recess at 9:55 p.m.

Chairman Koranda recalled the meeting to order at 10:03 p.m.

7. Z-06-11/PDP-06-10

Conduct a public hearing and consider rezoning property from A (Agricultural District) to CP-2 (Planned General Business District) for a 21.39 acre property located on the northwest corner of the 167th Street and Gardner Road

intersection. The application is filed by Clifford and Linda Sparks; with engineering services provided by Allenbrand-Drews & Associates, Inc.

Chairman Koranda opened the public hearing at 10:03 p.m.

Director Sherman presented the staff report.

1. **APPLICANT:** The applicant is Allenbrand-Drews & Associates on behalf of Clifford Sparks, owner of record.
2. **REQUESTED ACTION:** The applicant requests rezoning from A, Agricultural District, to CP-2, Planned General Business District.
The Planning Commission originally considered this item at the October 23, 2006, meeting and voted 6 to 0 to recommend denial of the rezoning request to the City Council. The City Council at their November 20, 2006 meeting voted 5 to 0 to send this rezoning request back to the Planning Commission for reconsideration, following additional evaluation of commercial development in the northwest development area of the city.
3. **LOCATION:** The 21.39 acre platted property is located on the northwest corner of the 167th Street and Gardner Road intersection.
4. **EXISTING ZONING:** The property is currently zoned A, Agricultural District, designated upon annexation into the City in September of 2006 (Ord. 2210).
5. **CHARACTER OF THE NEIGHBORHOOD:** The land immediately surrounding the subject property is currently characterized by agricultural land to the far north and far west; unincorporated residential properties and Gardner Lake to the far northeast; and agricultural land requested for single family residential development by Z-06-10 to the north, and Z-06-12 to the far north.
To the east of this subject property is the City of Gardner's North Lift Station sanitary sewer project, currently under construction (CUP-05-04); and the APAC-Kansas quarry property to the far east, both north of 167th Street. To the south of this subject property is vacant land zoned for multi-family residential development, developed industrial buildings along the west side of Center Street; and developed single family homes within the Sunset Ridge neighborhood area. To the southeast of this subject property is an existing auction business and Sunflower elementary school.
6. **LAND USE AND ZONING PATTERNS:** The existing zoning on the surrounding properties are A, Agricultural District, with a Conditional Use Permit for a sanitary sewer lift station (CUP-05-04) to the immediate east; agricultural zoning to the north for the properties incorporated into the City of Gardner (requested for R-1 by Z-06-10 and Z-06-12 at the October 23, 2006, meeting); and Johnson County zoning RUR - Rural, on unincorporated properties to the far north and east. The existing APAC-Kansas quarry property to the far east is zoned Johnson County - RUR, but was determined to be a legal non-conforming use per the June 30, 2005, letter from Paul Greeley, Johnson County Zoning Administrator.
To the south is vacant land zoned RP-3 (Ord 2018) for 90 multi-family residential units; M-2, General Industry District, property with existing buildings at both the southwest and southeast corners of 167th and Gardner Road; and A, Agricultural District, zoned property to the southeast, the western portion of the Stricker's Auction property and the Sunflower Elementary School property. To the far south is land zoned R-1, Single Family Residential, on the south side of 167th Street on both sides of Center Street.
7. **CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 prescribes low-density residential land uses for this property at the northwest corner of 167th Street and Gardner Road intersection.
Specific residential goals and policies within the adopted Community Development plan that are applicable to this subject rezoning request include:
Goal 2: Criteria for the Location of Low-Density Residential Development - Adopt criteria which will help form neighborhoods that are stable, safe and aesthetically pleasing.
Policy 2.1: Protect Areas Planned for Low-Density
Avoid reducing low-density residential areas as shown on the Community Development Plan Map by allowing encroachment of higher density residential or by allowing nonresidential land uses which are not customarily allowed in low-density residential districts.
Policy 2.2: Reserve Suitable Sites
Reserve suitable land areas of adequate size to accommodate a number of subdivisions in order to facilitate well-planned orderly development with better coordination of public services and facilities.
Goal 3: Create a Functional and Aesthetic Living Environment - Create and maintain living environments that are aesthetically pleasing as well as functionally efficient and practical.
Policy 3.2: Encourage Proper Lot Orientation
Encourage subdivision design in which peripheral lots face inward toward the neighborhood of which they are a part, especially those lots which are adjacent to collectors or thoroughfares. No home shall front on a designated thoroughfare.
Specific commercial goals and policies within the adopted Community Development plan that are applicable to this subject rezoning request include:
Goal 1: Established Commercial Area Development - Allow for the formation, retention, and expansion of commercial development in the established areas of the city.
Policy 1.5: Contain Commercial Development - Encourage the formation, retention, and expansion of commercial development within the existing commercial boundaries as shown of the Community Development Plan Map.
Goal 2: Compatible Transition from Commercial Development to Less Intensive Uses

Ensure compatible transition from commercial development to residential neighborhoods and other less intensive land uses.

Policy 2.1: Use Appropriate Transitional Methods - Appropriate transitional methods should be considered at all locations where the development or expansion of commercial land use abuts residential property (either built or zoned). The city strives to meet the following objectives when compatible transition is necessary:

- a) Site Orientation:
 - 1) Site design should be oriented toward thoroughfare or commercial streets.
 - 2) Site access should be off of thoroughfare or commercial streets.
 - 3) Where appropriate, streets may be used as boundaries between commercial and residential land uses.
- b) Building Orientation:
 - 2) A back-to-back relationship is preferable between commercial and residential buildings.

Policy 2.3: Allow the Option of Low-Intensity Office as Transitional Use - Allow low-intensity office development as an alternative transitional land use into low-density residential neighborhoods with these conditions:

- a) Such development must be compatible in architectural design, height, bulk, and building materials to the adjacent low-density residential developments.
- b) Such development must demonstrate compatible site design by the use of extensive screening, building and parking orientation, and preservation of natural site amenities.
- c) Traffic generated by such development must be directed away from residential areas and on to commercial streets.
- d) Such development is limited to areas shown as Office on the Community Development Plan Map.

Goal 3: Locational Criteria for Commercial Development - Plan for sufficient and varied choices in the location of commercial activities which serve a definite market need within the city, but avoid over building.

Policy 3.1: Follow Locational Criteria for All Commercial Development - The locational criteria for all commercial development are:

- a) Limit commercial development to the areas shown as Commercial on the Community Development Plan Map.

8. **STAFF ANALYSIS OF THE APPLICATION:** The applicant requests approval of rezoning about 21 acres of land to the CP-2, Planned General Business District.

A revised preliminary development plan has been submitted to accompany this zoning request for the CP-2, Planned General Business, zoning district (PDP-06-10) since this application was first considered by the Planning Commission and City Council in the fall of 2006. Changes to this development plan include the replacement of two 11,000 square foot buildings with a single 33,000 square foot building at the northeast portion of the proposed commercial site, and a reconfiguration of the proposed stormwater detention area and a proposed bank facility at the southeastern extent of the plan.

Staff has concerns with the general commercial layout and proposed internal traffic flow pattern shown on the submitted preliminary development plan. This includes the configuration of many parking areas and drive lanes, the design and location of drive connections to surrounding public streets, and the potential impact to Sunflower Elementary School traffic, which has its main drive less than 800 feet south of the intersection of 167th Street and Gardner Road.

The primary staff concern with the proposed development plan layout is back-to-front building orientation the proposed possible 60,000 square foot grocery store has with the approved single-family lots on the north side of 166th Street, and the extent the proposed commercial area extends to the west of Gardner Road in relationship to the existing and proposed land uses on the south side of 167th Street. While the plan does show a conceptual layout of landscaped berms to help screen the rear of the proposed grocery store, the footprint and size of this land area may be sufficient enough in size to provide an enough land area to allow a berm and landscaping to be constructed of sufficient height that provides adequate screening. This proposed back-to-front orientation of conflicting land uses goes against several adopted policies within the Community Development plan.

9. **STAFF RECOMMENDATION:** If the Planning Commission finds the proposed changes to be acceptable, then staff recommends that the Planning Commission forward the Rezoning Request for the Sparks Property located on the northwest corner of the 167th Street and Gardner Road intersection (Z-06-08) and the associated Preliminary Development Plan (PDP-06-10), to the City Council with a recommendation for approval, subject to the following stipulations:

- a. The development shall be in accordance with Exhibit A (Preliminary Development Plan) which is filed in the office of the Planning Commission Secretary at City Hall and is incorporated by reference as if set out in full herein.
- b. The development plan shall be limited to 140,000 square feet of retail buildings.
- c. The location and geometrics of all driveways, public streets, sidewalks and parking areas are subject to review and approval by Community Development Department staff.
- d. Concurrent with construction of any new commercial structure and prior to the issuance of any form of Certificate of Occupancy, the developer shall construct a southbound right turn lane and acceleration lane on Gardner Road at 166th Street, if Gardner Road has not been widened to a standard divided thoroughfare.
- e. Any private access drives off of 167th Street to the CP-2 zoned area may be limited to right-turn-only movements in the future when 167th Street is widened to a standard divided thoroughfare or at such time as the City determines that restricting turning movements is needed to alleviate safety or operational problems
- f. Concurrent with the construction of any new commercial structures and prior to the issuance of any form of Certificate of Occupancy, the developer shall construct a westbound right turn lane and acceleration lane on

- 167th Street at any private access drives from 167th Street and at Walnut Street, if 167th Street has not been widened to a standard divided thoroughfare.
- g. Prior to or concurrent to the submittal of a final development plan or with any substantial changes to the approved preliminary development plan, a limited traffic study with the scope-of-work to be determined by Community Development Department staff for the analysis of nearby intersections.
 - h. Prior to or concurrent with the application for final development plan approval, stormwater detention plans and calculations that collect and convey storm water shall be submitted for review and approval by Public Works Department staff.
 - i. Prior to the issuance of building permits, the Planning Commission shall approve a final development plan(s).

Chairman Koranda invited questions from the commissioners. There were no questions from the commissioners.

Chairman Koranda invited comments from the applicant. Andy Schlagel, consultant for the applicant, gave a brief presentation on the revised development plan.

Chairman Koranda invited questions from the commissioners.

Commissioner Mertz asked why there were no service driveways for the buildings along the eastern side of the development. Mr. Schlagel explained that those buildings were small enough that any businesses in them could be serviced through the side or front entrances. He added that the larger building on the northeast corner of the property was expected to have medical offices, which could also be serviced through the side or front entrances.

Director Sherman discussed the back to front relationships of some of the proposed commercial buildings to adjacent single family residential lots. Mr. Schlagel pointed out the landscaped berms designed to screen the commercial buildings from the adjacent residential lots.

Chairman Koranda invited comments from the public. Joel Riggs of Peridian Group, Inc., the engineer for Jabez Development, L.L.C., an adjacent property owner, stated his client's request to review the drainage and traffic studies for the subject development, noting that Jabez Development had been required to submit such studies for their development.

Motion Schultz, second Popp, to close the public hearing at 10:23 p.m.

Motion Carried: 7 to 0 Aye

Chairman Koranda invited comments from the commissioners.

Commissioner Popp pointed out the difficult five point intersection within the commercial area parking area. Mr. Schlagel stated that the parking area configuration would be revised to eliminate such problem areas.

Chairman Koranda pointed out the single family residential driveway conflict with the northwest entrance to the commercial area. Mr. Schlagel stated that the driveway location could be changed to eliminate the conflict.

Director Sherman, Mr. Schlagel, applicant Joe Campbell of Timber Creek Land Company, and Mr. Schlagel discussed the back to front relationships of the commercial buildings to adjacent single family residential lots. Mr. Campbell stated his preference to

increase the open space and landscaping between the commercial buildings and the fronts of the residential lots rather than have a row of single family homes backing up to the commercial buildings. He added that he would eliminate the single family residence where the driveway conflicted with the commercial entrance and construct a trailway to connect to the walking trail north of the residences. Mr. Schlagel suggested that the commission could require a minimum of fifty feet of green space behind the commercial buildings to provide a buffer space between them and the residential streets and homes.

Chairman Koranda, Director Sherman, Mr. Schlagel, and the commissioners discussed sizes and criteria for sustainable neighborhood commercial developments.

Motion Mertz, second Schultz, to extend the meeting to 11:00 p.m.

Motion Carried: 6 to 1 Aye (Godwin – Nay)

Commissioner Godwin stated that he would prefer to see more studies regarding commercial development in the northwest portion of the City before making a decision on the subject application. He stated that he had several questions that still needed to be addressed, such as:

- how much commercial space did the City of Gardner need;
- where did the City need commercial development; and
- in what configurations and sizes should future commercial areas be developed.

Commissioner Mertz stated that the proposed commercial use for the subject property was the best use for that property considering the surrounding zoning districts and uses. Commissioner Burnett agreed with Commissioner Mertz.

Director Sherman and the commissioners again discussed sizes for sustainable neighborhood commercial developments.

The applicant and the commissioners discussed potential uses and zoning designations of the proposed commercial buildings.

Motion Mertz, second Burnett, to forward the Rezoning Request for the Sparks Property (Z-06-11) and its associated Preliminary Development Plan (PDP-06-10), located on the northwest corner of the 167th and Gardner Road intersection, to the City Council with a recommendation for approval, subject to staff recommendations and three additional stipulations of approval:

- a. The development shall be in accordance with Exhibit A (Preliminary Development Plan) which is filed in the office of the Planning Commission Secretary at City Hall and is incorporated by reference as if set out in full herein.
- b. The development plan shall be limited to 140,000 square feet of retail buildings.
- c. The location and geometrics of all driveways, public streets, sidewalks and parking areas are subject to review and approval by Community Development Department staff.
- d. Concurrent with construction of any new commercial structure and prior to the issuance of any form of Certificate of Occupancy, the developer shall construct a southbound right turn lane and acceleration lane on Gardner Road at 166th

Street, if Gardner Road has not been widened to a standard divided thoroughfare.

- e. Any private access drives off of 167th Street to the CP-2 zoned area may be limited to right-turn-only movements in the future when 167th Street is widened to a standard divided thoroughfare or at such time as the City determines that restricting turning movements is needed to alleviate safety or operational problems
- f. Concurrent with the construction of any new commercial structures and prior to the issuance of any form of Certificate of Occupancy, the developer shall construct a westbound right turn lane and acceleration lane on 167th Street at any private access drives from 167th Street and at Walnut Street, if 167th Street has not been widened to a standard divided thoroughfare.
- g. Prior to or concurrent to the submittal of a final development plan or with any substantial changes to the approved preliminary development plan, a limited traffic study with the scope-of-work to be determined by Community Development Department staff for the analysis of nearby intersections.
- h. Prior to or concurrent with the application for final development plan approval, stormwater detention plans and calculations that collect and convey storm water shall be submitted for review and approval by Public Works Department staff.
- i. Prior to the issuance of building permits, the Planning Commission shall approve a final development plan(s).
- j. The three westernmost commercial buildings and their associated parking areas shall be zoned CP-O, per the Lesser Change Table of Chapter 16, Article 15 of the Code of the City of Gardner.
- k. The open space area north and west of the 60,000 square foot building with designated landscaping and berms shall be a minimum of fifty feet deep.
- l. All of the commercial buildings shall utilize four-sided architectural design elements.

Motion to Forward Carried: 7 to 0 Aye

V. Adjourn

Motion Burnett, second Mertz, to adjourn the meeting at 11:12 p.m.

Motion to Adjourn Carried: 7 to 0 Aye

Cindy Weeks, Planning Service Specialist
Community Development Department

ATTENDEES
of the
2-26, 2007
PLANNING COMMISSION MEETING

PLEASE SIGN

PLEASE PRINT

NAME	COMPANY (if applicable)	ADDRESS
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Rob Kirk	GARDNER DPS	400 E Main
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Tim Gates	Agnes Gates Realty	6840 Tomahawk Rd
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Tom K. Anderson	SW JOCO EDC	New Century Air Center
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